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Frank C. Eisenschenk, Ph.D., Patent Attorney

DECLARATION UNDER 37 C.F.R. § 1.131  
Examining Group 1617  
Patent Application  
Docket No. UTR-104  
Serial No. 09/654,357



RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Helen Nguyen  
Art Unit : 1615  
Applicants : Michael B. Zemel, Hang Shi, Paula C. Zemel  
Serial No. : 09/654,357  
Filed : September 1, 2000  
For : Materials and Methods for the Treatment or Prevention of Obesity

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

DR. MICHAEL B. ZEMEL, DR. HANG SHI, AND DR. PAULA C. ZEMEL DECLARE:

1. THAT we are co-inventors of the invention disclosed and claimed in U.S. Application Serial No. 09/654,357.
2. THAT said invention was completed in the United States prior to January 2000, as shown by the following exhibits. We conceived and reduced to practice methods for the stimulation of lipolysis in animals by increasing the amounts of dietary calcium consumed by these animals. Dietary calcium is provided in the form of calcium carbonate or powdered non-fat milk. Exhibit 1 shows that increasing dietary calcium stimulates lipolysis. The effects of a high calcium diet on adipocyte lipolysis was assayed using a glycerol release assay as described in Example 2 of the above-identified patent application.

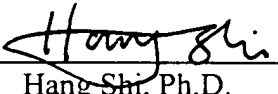
3. THAT Exhibit 1 is a copy of pages taken from a laboratory record created and maintained in the normal course of laboratory operations, prior to January 2000. The completion date of the experiments and analyses recorded in these laboratory notebook pages have been redacted. We hereby attest that these redacted dates are prior to the critical date.

We hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further, Declarants sayeth not.

By:   
Michael D. Zemel, Ph.D.

Date: August 21, 2001

By:   
Hang Shi, Ph.D.

Date: Aug 21, 2001

By: \_\_\_\_\_  
Paula C. Zemel, Ph.D.

Date: \_\_\_\_\_